

1 Mark R. Thierman, SBN 8285
2 THIERMAN LAW FIRM
3 7287 Lakeside Drive
Reno, NV 89511
3 Telephone (775) 284-1500

4 Leon Greenberg, SBN 8094
Leon Greenberg Professional Corporation
5 2965 South Jones Boulevard - Suite E4
Las Vegas, Nevada 89146
6 Telephone (702) 383-6085

7 Attorneys for Plaintiffs

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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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11 DEBRA PITTMAN, ROSALYNE R.)
SMITH, MARKOS MENDOZA, RINEO)
12 VLIJTER, EDITH MARSHALL, and)
MOHAMED SABRO, individually and)
13 on behalf of all others)
similarly situated,)
14)
Plaintiffs,)
15)
v.)
16)
WESTGATE PLANET HOLLYWOOD LAS)
VEGAS, LLC., WESTGATE RESORTS)
17 INC., WESTGATE RESORTS LTD., CFI)
SALES & MARKETING, LTD., CFI)
18 SALES & MARKETING, LLC., CFI)
SALES & MARKETING, INC., DAVID)
19 A. SIEGEL, RICHARD SIEGEL and)
"John Doe" entities 1 to 25,)
name and number unknown,,)
21)
Defendants.)
22 -----

Case No.: 09-CV-878-PMP-GWF

**PLAINTIFFS' MOTION TO BE
RELIEVED AS COUNSEL FOR
PLAINTIFF MOHAMED SABRO AND TO
DISMISS HIS CASE WITHOUT
PREJUDICE**

23

24 The plaintiffs, through their attorney, Leon Greenberg, Esq.,
hereby move this Court for an Order relieving plaintiffs' counsel in
25 this case as counsel for Mohamed Sabro and dismissing his claims
26 without prejudice. This motion is based upon the declaration of
27 Leon Greenberg, attorney for plaintiff Mohammed Sabro.
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DECLARATION OF LEON GREENBERG

2 Leon Greenberg, attorney for plaintiff Mohamed Sabro, hereby
3 affirms, under penalty of perjury, that:

4 1. As discussed in the motion made to this case seeking
5 partial collective action certification, bifurcation, and to limit
6 discovery (Docket #232), plaintiffs' counsel intends to proceed with
7 this case on a limited basis and in a form for which it is suitable
8 for a collective action disposition. Named plaintiff, Mohamed
9 Sabro, does not posses an individual claim that is within the scope
10 of the proposed FLSA collective action certification. Accordingly,
11 it is being requested plaintiffs' counsel be relieved as his counsel
12 and his claims in this case be dismissed without prejudice.

13 2. I previously discussed the request I am making to the
14 Court in this motion with Mohamed Sabro on November 1, 2012.
15 Mohamed Sabro authorized me to submit this motion and seek the
16 relief I am requesting.

17 3. I am requesting that Mohamed Sabro's claims be dismissed
18 without prejudice as he advised me he will not be seeking to
19 prosecute those claims in this proceeding or seek another attorney
20 to represent him in this proceeding. Mohamed Sabro also advised me
21 that he does **not** intend to pursue such claims by filing another
22 litigation against defendant, which he might find better venued for
23 such purpose in Florida which is where he resides and worked for
24 defendants. Nonetheless, I believe a dismissal of his claims
25 without prejudice would be appropriate. Defendants have not been
26 put to any particular effort in defending Mr. Sabro's claims (as a
27 distinct claim separate and apart from the putative class claims in
28 this case). Accordingly, even though Mr. Sabro manifests no

1 intention to pursue these claims, and a "without prejudice"
2 dismissal may still render such claims beyond action by application
3 of the statute of limitations, I believe such a "without prejudice"
4 dismissal is warranted.

5 I have read the foregoing and affirm the same is true and
6 correct.

7 Affirmed this 9th Day of November, 2012

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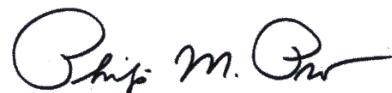
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10 /s/*Leon Greenberg*

11 Leon Greenberg, Esq.
12 Nevada Bar No.: 8094
13 2965 South Jones Boulevard - Suite E4
14 Las Vegas, Nevada 89146
15 (702) 383-6085
16 Attorney for Plaintiff

17 IT IS SO ORDERED.
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19 Dated: December 26, 2012.

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21 PHILIP M. PRO, UNITED STATES DISTRICT JUDGE
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